



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

AUG 17 1989

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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Apperson, Crump, Duzane, & Maxwell  
Attn: Allen T. Malone, Esquire  
Suite 2110  
One Commerce Square  
Memphis, Tennessee 38103

11.9

Re: Prairie Metals and Chemical Site, Prairie, Mississippi

Dear Mr. Malone:

The United States Environmental Protection Agency (EPA) currently is investigating the circumstances surrounding the generation, treatment and disposal of hazardous substances and wastes by Prairie Metals and Chemical Company (PMCC) at its former facility located on State Highway 382, adjacent to an inactive army ammunition plant in Prairie, Monroe County, Mississippi, referred hereinafter as "the Site". This investigation requires inquiry into the generation, storage, and disposal of such substances that have been or threaten to be released at the Site. EPA also is investigating the ability of persons connected with the Site to reimburse the Hazardous Substance Superfund (Fund), which was established pursuant to Section 221 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. Section 9604, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), P.L. 99-499, for costs being incurred in EPA's ongoing cleanup at the Site.

On April 5, 1989, EPA notified Cedar Chemical Corporation of its potential liability and encouraged the corporation to undertake a voluntary cleanup of the Site. In your April 19, 1989 response, you provided some background information regarding PMCC's operation and your involvement as a result of several corporate acquisitions. You hereby are requested to respond to this additional Information Request set forth in Attachment A, enclosed herewith, pursuant to the authority of Section 104 of CERCLA as well as the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927. The time period for which this request seeks information is from 1977 to the present. Failure to respond fully and truthfully to this request within fourteen (14) days of receipt of this letter may result in enforcement action by EPA pursuant to Section 104 of CERCLA, as amended, Section 3008 of RCRA or both. Each of these statutes permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. You also are advised that provision of false or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. Section 103(d)(2) of CERCLA, 42 U.S.C. Section 9603 (d)(2), imposes criminal

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sanctions upon any person who knowingly destroys, mutilates, erases, disposes of, conceals, or otherwise renders unavailable or falsifies any records containing information pertinent to the transportation, storage or disposal of hazardous substances.

Your response to this Information Request should be mailed to:

S. Charles Murray  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency  
345 Courtland Street, N.E.  
Atlanta, Georgia 30365

EPA regulations governing confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations (C.F.R.). A confidentiality claim may be asserted in accordance with 40 C.F.R. Section 2.203(b) for any portion of the information submitted which is entitled to confidential treatment. If EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. Section 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with respect to this letter as a waiver of that claim and information may be made available to the public by EPA without further notice to you.

The factual and legal discussions contained in this letter are intended solely for edification purposes. They are not intended to, do not, and may not be relied upon as a final Agency position on any matter set forth herein.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the 14 days specified above.

Your prompt attention to this matter is appreciated. Please contact S. Charles Murray at (404) 347-2641 if you have any questions.

Sincerely yours,



Patrick M. Tobin  
Director  
Waste Management Division

Enclosures

cc: Cedar Chemical Corporation

## Attachment A

PRAIRIE METALS & CHEMICAL COMPANY SITE

## INFORMATION REQUESTS

Instructions

1. A separate response must be made to each of the Questions set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. In answering each Question, identify all documents and persons that contributed information relating to each Question.
4. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA thereof as soon as possible.
5. For each document produced in response to this Information Request indicate on the document, or in some other reasonable matter the number of the Question to which it responds.
6. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR 2.203(b) by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or proprietary" or "company confidential". Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
7. Where specific information has not been memorialized in any document, but is nonetheless responsive to a Question, you must respond to the Question with a written response.
8. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.

9. Where a question does not apply to you as an owner, operator transporter, or generator, please indicate by responding "N/A".

#### Definitions

The following definitions shall apply to the following words as they appear in this Attachment A;

1. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, unincorporated associated, partnership, corporation, trust or other entity.
2. The terms "the Site" or "the facility" shall mean and include the Prairie Metals and Chemical Company Site located on State Highway 382, in Prairie, Monroe County, Mississippi.
3. The term "hazardous substance" means: (a) any substance designated pursuant to Section 311(b)(2)(S) of the Federal Water Pollution Control Act; (b) any element, compound, mixture, solution or substance designated pursuant to Section 102 of this Act; (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress); (d) any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act; (e) any hazardous air pollutant listed under Section 112 of the Clean Air Act; or (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas, or such synthetic gas). "Hazardous substance" shall include any mixtures of such hazardous substances with any other substances, including petroleum products.
4. The term "identify" means with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known business address and business telephone number, and present or last known job title, position or business.
5. The term "identify" means, with respect to a corporation, partnership, business trust or other associate or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

6. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient and the substance or the subject matter.
7. The term "release" includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
8. The terms "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation) any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); including: (a) every copy of each document which is not an exact duplicate of a document which is produced; (b) every copy which has any writing, figure or notation, annotation or the like of it; (c) drafts; (d) attachments to or enclosures with any document; and (e) every document referred to in any other document.
9. The term "property interest" means any interest in property, including but not limited to, any ownership interest, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.
10. The term "asset" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

QUESTIONS

1. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Request contained herein or who may be able to provide additional responses or documents, identify such persons and the additional information and documents that they may have.
2. Provide a copy or other tangible evidence (e.g. Articles of Incorporation, Amendments, Merger Agreements, etc.,) of the alleged Purchase Agreement in your possession which was referred to in your initial response dated April 19, 1989.
3. In relation to this alleged Purchase Agreement, explain the fate of stocks or shares of PMCC held by Vertac Chemical Corporation upon the acquisition of the previous shareholder, Vicksburg Chemical Corporation.
4. Provide any documented release of corporate liability obtained by Cedar Chemical Corporation from any of its predecessor corporations.
5. Explain the current business and financial relationship between Cedar Chemical Corporation and Nine West Corporation.
6. Provide a copy of the Articles of Incorporation for Cedar Chemical Corporation.